UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/977,806 | 10/15/2001 | Noel E. Clark | 014208.1429 (70-01-001) | 3548 |

7590 04/09/2004

David G. Wille, Esq.
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

| EXAMINER | |
|---|---|
| PHAN, HUY Q | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2685 | |

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/977,806 | CLARK ET AL. | |
| | Examiner | Art Unit | |
| | Huy Q Phan | 2685 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-36 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5-6.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-19 and 24-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Howell et al. (US-2002/0115436 A1).

Regarding claim 1, Howell et al. disclose in figures 1A and 1B, a method for communicating telematic messages among a plurality of telematic devices (19, 25, 29, 34, 40, 44) for generating and receiving telematic messages, coupled together by a message router (21), comprising the steps of: (a) receiving by the message router (21) a telematic message generated by one of said telematic devices (19) [0029]; (b) selecting by the message router (21) at least one of said plurality of telematic devices (25) as a destination device to which to communicate the telematic message based on a characteristic of the telematic message; (c) transmitting by the message router the telematic message to said selected destination device [0030]; and (d) processing said telematic message by said selected destination device [0030].

Regarding claim 19, Howell et al. disclose in figures 1A and 1B, a telematic message routing system comprising: at least one input for accepting a telematic message from at least one telematic device (19); a processor (21), coupled to said at least one input, including functionality for receiving said telematic message and selecting a destination telematic device (25) to which to route said telematic message based on a characteristic of the telematic message; and at least one output coupled to said processor and coupled to at least one telematic device [0029] and [0030].

Regarding claims 6 and 24, Howell et al. disclose the method and system as recited in prior rejections, wherein said selecting a destination device being based on the type of said telematic message [0028].

Regarding claims 7 and 25, Howell et al. disclose the method and system as recited in prior rejections, wherein said selecting a destination device being based on the content of said telematic message [0028].

Regarding claims 8 and 26, Howell et al. disclose in figures 1A and 1B, the method and system as recited in prior rejections, further comprising a terrestrial network (26) and at least one device (14) attached to said terrestrial network, wherein said at least one telematic device (25) being a wireless transceiver capable of communicating with said at least one device via said terrestrial network [0027].

Regarding claims 9 and 27, Howell et al. disclose in figure 1A, the method and system as recited in prior rejections, wherein said terrestrial network being the Internet (18).

Regarding claims 10 and 28, Howell et al. disclose in figure 1A, the method and system as recited in prior rejections, wherein said at least one device attached to said terrestrial network being a computer server providing at least one telematic service [0027].

Regarding claims 11 and 29, Howell et al. disclose in figure 1A, the method and system as recited in prior rejections, wherein at least one of said plurality of telematic devices being a user interface device (28).

Regarding claims 12 and 30, Howell et al. disclose in figure 3, the method and system as recited in prior rejections, wherein said user interface device including an audio interface [0090].

Regarding claims 13 and 31, Howell et al. disclose in figure 3, the method and system as recited in prior rejections, wherein said user interface including a visual display [0057].

Regarding claims 14 and 32, Howell et al. disclose in figure 1B, the method and

system as recited in prior rejections, wherein at least one of said plurality of telematic devices being a vehicle data bus (40).

Regarding claims 15 and 33, Howell et al. disclose in figure 1A, the method and system as recited in prior rejections, wherein at least one of said plurality of telematic devices being a navigation system (19).

Regarding claims 16 and 34, Howell et al. disclose in figure 1A, the method and system as recited in prior rejections, wherein at least one of said plurality of telematic devices (25) being a wireless transceiver capable of communicating with at least one device (24) attached to a terrestrial network (26) and wherein said navigation system (19) utilizes data stored on a computer readable storage medium (16) attached to said terrestrial network.

Regarding claims 17 and 35, Howell et al. disclose in figure 1A, the method and system as recited in prior rejections, wherein said processor further including functionality for modifying said telematic message and transmitting said modified telematic message to said selected destination device [0030].

Regarding claim 18, Howell et al. disclose in figure 1A, the method as recited in the rejection of claim 1, wherein said message router (21) having an associated memory (inherent to computer 34), further comprising, before said receiving step, (k)

initializing at least one of said telematic devices including the steps of: communicating by said at least one telematic device to said message router at least one desired message type ([0029] and [0030]); and storing said at least one desired message type in said associated memory [009], and wherein said selecting step (b) being based on said initializing step (k).

Regarding claim 36, Howell et al. disclose the system as recited in the rejection of claim 19, wherein said processor (21) further including functionality for receiving initialization data from said at least one telematic device, said initialization data comprising at least one desired message type, wherein said functionality for selecting a destination telematic device being based on said initialization data [0029] and [0030].

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-4 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. in view of Brooking et al. (US-2002/0137500).

Regarding claims 2 and 20, Howell et al. disclose the method and system as recited in prior rejections, wherein said message router (21) having an associated

memory (inherent to computer 34). But Howell et al. fail particularly further comprising, before said transmitting step: (e) determining whether said selected destination device is available to accept said telematic message, and (f) if the result of said determining step is that said selected destination device being not available, maintaining said message in said memory associated with said message router until said selected destination device becomes available. However, those techniques are taught by Brooking et al. (see [0024] and [0025]). Since, Howell et al. and Brooking et al. are related to message services in communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Howell et al. by specifically having before said transmitting step: determining whether said selected destination device is available to accept said telematic message, and if the result of said determining step is that said selected destination device is not available, maintaining said message in said memory associated with said message router until said selected destination device becomes available as taught by Brooking et al. for purpose of allowing the communication system of capability to accomplish the transmission of message while the destination device being unavailable.

Regarding claims 3 and 21, Howell et al. and Brooking et al. disclose the method and system as recited in prior rejections. Brooking et al. disclose further wherein said selected destination device being not available and the message being stored for later delivery or may be deleted [0025]. Howell et al. and Brooking et al. do not precisely

show the system further comprising: assigning a time-to-live parameter to said telematic message; and removing said telematic message from said memory if said time-to-live expires before said selected destination device becomes available to accept said telematic message. However, it was known in the art for assigning expiration to the message and deleting it from memory when expired. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Howell et al. and Brooking et al. by specifically assigning a time-to-live parameter to said telematic message; and removing said telematic message from said memory if said time-to-live expires before said selected destination device becomes available to accept said telematic message for purpose of allowing the communication system of capability to accomplish the transmission of message in a period of time even as the destination device being unavailable and to save the memory space in order to improve the reliability and cost of the system.

Regarding claims 4 and 22, Howell et al. and Brooking et al. disclose the method and system as recited in prior rejections. Brooking et al. disclose the method further comprising before said determining whether said destination device being available [0024], assigning a priority parameter to said telematic message [0025].

4. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. in view of Brooking et al. and further in view of Schiffel et al. (US-5,666,398).

Regarding claims 5 and 23, Howell et al. and Brooking et al. disclose the method as recited in prior rejections. Brooking et al. further disclose wherein said selected destination device being unavailable to accept said telematic message because it has not completed processing a previously received telematic message [0025]. Howell et al. and Brooking et al. fail to expressly teach the system further comprising: determining whether said telematic message stored in said memory having a higher priority parameter than said previously received telematic message; and if the result of said determining whether said telematic message stored in said memory having a higher priority parameter than said previously received telematic message is that said telematic message stored in said memory has a higher priority parameter than said previously received telematic message, interrupting said processing of said previously received telematic message and transmitting said telematic message stored in said memory to said selected destination device for processing. However, Schiffel et al. disclose the interruption of an existing connection upon the receipt of higher priority message (col. 12, lines 61-65 and col. 18, lines 36-38). Since, Howell et al., Brooking et al. and Schiffel et al. are related to communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Howell et al. and Brooking et al. by specifically having the interruption of an existing connection upon the receipt of higher priority message as taught by Schiffel et al. for purpose of offering the communication system of capability to accomplish the transmission of higher priority message immediately even the destination device being communicated in order to enhance the functionality of the system.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Bochmann et al. (US-6,282,491) disclose telematic device for vehicle.

b) Odinak et al. (US-2002/0173889 A1) disclose telematic control unit.

c) Braun et al. (US-2003/0125849 A1) disclose helicopter telematic.

d) Marko et al. (US-6,686,880) disclose mobile platform device.

e) Nietupski et al. (US-2002/0140545) disclose telematic system.

f) Dupuis (US-2002/0025802 A1) discloses restitution of messages.

g) Lorello et al. (US-6,459,904) disclose short message service.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP
Mar. 23, 2004

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600